

**Introduced by Senator Vargas**

January 17, 2012

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An act to add Article 7 (commencing with Section 4918) to Chapter 11 of Division 2 of the Business and Professions Code, relating to pet grooming.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 969, as introduced, Vargas. Pet groomers.

Existing law provides for the licensure and regulation of veterinarians and registered veterinary technicians by the Veterinary Medical Board.

This bill would require any person engaged in pet grooming to be licensed and regulated by the Veterinary Medical Board. The bill would establish the requirements necessary to obtain a license as a pet groomer and set forth the duties and obligations of a licensee as a pet groomer, as specified. The bill would set forth the duties of the board with regard to the regulation of pet groomers and require the board to adopt a fee schedule that would apply to licensees and pet grooming schools. The bill would set forth standards for discipline and authorize the board to impose administrative penalties for a violation of these provisions. The bill would provide that a violation of these provisions is a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Article 7 (commencing with Section 4918) is added to Chapter 11 of Division 2 of the Business and Professions Code, to read:

Article 7. Pet Groomers

4918. The following definitions shall apply for purposes of this article:

(a) "Board" means the Veterinary Medical Board.

(b) "Pet" means any animal placed in the care of a pet groomer for grooming or styling.

(c) "Pet groomer" means an individual, licensed as a pet groomer, who bathes, brushes, clips, or styles a pet for compensation.

(d) "Pet grooming" means the act of bathing, brushing, clipping, or styling a pet.

(e) "Pet grooming facility" means a commercial establishment where a pet may be bathed, brushed, clipped, or styled.

4918.3. Except as provided in this article, it is unlawful for any person to engage in pet grooming for compensation without a valid, unexpired license issued by the board. A person is eligible for a license as a pet groomer if he or she meets the eligibility requirements set forth in this article, passes the examination specified in Section 4919.7, and applies for licensure and pays the fee prescribed by the board pursuant to Section 4920.3.

4918.5. (a) The primary concern of every licensee shall be the safety and well-being of the pets in their care.

(b) A licensee shall comply with the following requirements:

(1) Pets not in the grooming process shall be kept in a structurally sound and clean cage. Each enclosure shall be in good repair and large enough to allow each pet to make normal postural adjustments, including sitting, standing, and turning around. Each pet shall be caged separately.

(2) Outdoor facilities shall not be utilized in inclement weather and indoor facilities shall be maintained at a healthy temperature.

(3) There shall be sufficient lighting to facilitate the cleaning of pets and facilities.

1 (4) The pet grooming facility of the licensee shall maintain  
2 sanitary conditions at all times.

3 (5) There shall be an adequate water supply available for  
4 drinking.

5 (6) Pets shall not be left unattended while at a pet grooming  
6 facility.

7 (7) A drying cage shall never be used.

8 (c) Every licensee shall display a copy of his or her pet  
9 groomer's license and the telephone number of the board where  
10 the owner of the pet may make complaints regarding the services  
11 received from the licensee.

12 (d) Every licensee shall maintain insurance against negligent  
13 acts associated with his or her activity as a pet groomer.

14 (e) Every licensee shall keep a record for each pet receiving  
15 grooming services, which shall include all of the following:

16 (1) The first and last name of the owner of the pet.

17 (2) The address and telephone number of the owner of the pet.

18 (3) The name of the pet.

19 (4) The name of the veterinarian of the pet.

20 (5) Any allergies or special needs the pet may have, as reported  
21 by the owner of the pet.

22 (5) The date or dates that the pet received grooming services.

23 (6) The services that were performed, including a list of any  
24 chemicals used while performing the services and any medical  
25 conditions discovered during the performance of services.

26 (7) When the pet receiving services is a dog, proof that the dog  
27 has received vaccinations against parvo, distemper, bordatella, and  
28 rabies. When the pet receiving services is a cat, proof that the cat  
29 has received a vaccination against rabies.

30 (f) Records for each pet shall be maintained for two years and  
31 shall be available for inspection by the board or the board's  
32 authorized agents during regular business hours.

33 4918.7. The board shall approve all schools or institutions  
34 offering a curriculum for training pet groomers. Application forms  
35 for schools requesting approval shall be furnished by the board.  
36 Approval by the board shall be for a two-year period. Reapplication  
37 for approval by the board shall be made at the end of the two-year  
38 period.

39 4919. (a) Students engaged in performing grooming services  
40 while enrolled in a school approved by the board shall not be

1 required to be licensed under this article if they perform those  
2 services under appropriate supervision at the approved school in  
3 which they are enrolled.

4 (b) Individuals engaged in performing grooming services while  
5 not enrolled in a school approved by the board shall not be required  
6 to be licensed under this article if they perform those services under  
7 the direct supervision of a licensed pet groomer and while in  
8 training for the pet groomer's licensing examination.

9 4919.3. The board shall admit to examination for a license as  
10 a pet groomer any person who has made application to the board  
11 in proper form, paid the fee required by this chapter, and is  
12 qualified as follows:

13 (a) Is not less than 18 years of age.

14 (b) Has completed the 10th grade in the public schools of this  
15 state or its equivalent.

16 (c) Is not subject to denial pursuant to Section 480.

17 4919.5. (a) Every application for admission to examination  
18 and licensure shall be in writing, on forms prepared and furnished  
19 by the board.

20 (b) Each application shall be accompanied by the required fee,  
21 and shall contain proof of the qualifications of the applicant for  
22 examination and licensure. It shall be verified by the oath of the  
23 applicant. Every applicant shall, as a condition of admittance to  
24 the examination facility, present satisfactory proof of identification.  
25 Satisfactory proof of identification shall be in the form of a valid,  
26 unexpired driver's license or identification card, containing the  
27 photograph of the person to whom it was issued, issued by any  
28 state, federal, or other government entity.

29 4919.7. (a) The examination of applicants for a license shall  
30 include both a practical demonstration and a written test and shall  
31 embrace the subjects typically taught in a program approved by  
32 the board.

33 (b) The examination shall not be confined to any particular  
34 system or method. It shall be consistent in both practical and  
35 technical requirements, and of sufficient thoroughness to satisfy  
36 the board as to the applicant's skill in, and knowledge of, the  
37 practice of the occupation for which a license is sought.

38 (c) The scope of examinations shall be consistent with the  
39 definition of the activities licensed under this chapter, and shall

1 be as the board, by regulation, may require to protect the health  
2 and safety of consumers of the services provided by licensees.

3 (d) The board's examinations shall be limited to job-related  
4 questions, activities, and practical services. The examinations may  
5 include other demonstrations and tests as the board, in its  
6 discretion, may require.

7 4920. All examinations shall be prepared by or under the  
8 direction of the board. The board shall establish standards and  
9 procedures governing administration and grading and shall exercise  
10 supervision as may be necessary to ensure compliance therewith.

11 4920.3. (a) Licenses shall be issued by the board to any  
12 applicant who satisfactorily passes an examination, who possesses  
13 the other qualifications required by law, and who has remitted the  
14 license fee required by this article. The license shall entitle the  
15 holder to engage in the practice of pet grooming. The license shall  
16 be issued by the board on the same day that the applicant  
17 satisfactorily passes the examination.

18 (b) Prior to issuance of a license by the board, every applicant  
19 shall provide proof that the applicant is insured against negligent  
20 acts associated with their activity as a pet groomer.

21 4920.5. Any person who fails the pet groomer's licensing  
22 examination may be eligible to retake the examination upon  
23 compliance with the provisions of this article.

24 4920.7. The board may contract or otherwise arrange for  
25 reasonably required physical accommodations and facilities to  
26 conduct examinations.

27 4921. The form and content of a license issued by the board  
28 shall be determined by the board.

29 4921.3. The board shall create a record of those licensed  
30 pursuant to this article. The record shall include a licensee's first  
31 and last name, license number, and a record of any disciplinary  
32 action taken against the licensee, including the suspension or  
33 revocation of the licensee's pet grooming license.

34 4921.5. (a) Notwithstanding any other provision of law, the  
35 board may revoke, suspend, or deny at any time any license  
36 required by this article on any of the grounds for disciplinary action  
37 provided in this section. The proceedings under this section shall  
38 be conducted in accordance with Chapter 5 (commencing with  
39 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
40 Code, and the board shall have all the powers granted therein.

(b) The grounds for disciplinary action are as follows:

(1) Conviction of any crime substantially related to the qualifications, functions, or duties of the license holder, including, but not limited to, any provision of law relating to the humane treatment of animals, in which case, the records of conviction or a certified copy shall be conclusive evidence thereof.

(2) Failure to comply with the requirements of this article.

(3) Failure to comply with the rules adopted by the board for the regulation of the practice licensed and regulated under this article.

(4) Failure to display the license in a conspicuous place.

(5) The making of any false statement as to a material matter in any application to the board.

(6) Refusal to permit or interference with an inspection authorized under this article.

4921.7. Licenses issued under this article, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of issuance by the board.

4922. Except as otherwise provided in this article, a license that has expired for failure of the licensee to renew within the time fixed by this article may be renewed at any time within five years following its expiration upon application and payment of all accrued and unpaid renewal fees, delinquency fees, and fines. Renewal under this section shall be effective on the date on which the application is filed, or on the date on which the accrued renewal fees, delinquency fee, or fines are paid, if any, whichever occurs last. If so renewed, the license shall continue in effect through the expiration date provided in this article which next occurs following the effective date of the renewal, when it shall expire if it is not again renewed.

4922.3. Except as otherwise provided in this article, a license which has not been renewed within five years following its expiration shall be deemed canceled and may not be renewed, restored, reinstated, or reissued thereafter. The holder of the canceled license may obtain a new license only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the license for the first time.

4922.5. A suspended license is subject to expiration and shall be renewed by the licensee as provided in this article, but that

1 renewal does not entitle the licensee, while the license remains  
2 suspended and before it is reinstated, to engage in the licensed  
3 activity, or in any other activity or conduct in violation of the order  
4 or judgment by which the license was suspended.

5 4922.7. A revoked license is subject to expiration as provided  
6 in this article, but may not be renewed. If it is reinstated pursuant  
7 to an administrative or court proceeding after its expiration, the  
8 licensee, as a condition precedent to its reinstatement, shall pay a  
9 reinstatement fee in an amount established by the board pursuant  
10 to Section 4923.

11 4923. (a) The board shall establish by regulation a schedule  
12 of fees payable under this article, including, but not limited to, all  
13 of the following:

- 14 (1) Application and examination fees.
- 15 (2) Initial license fees.
- 16 (3) Renewal fees.
- 17 (4) Reinstatement fees.
- 18 (5) Delinquency fees.
- 19 (6) Duplicate license fees.
- 20 (7) Application fee for approval of a school or institution  
21 offering a curriculum for training pet groomers.

22 (b) No fee established pursuant to subdivision (a) shall be greater  
23 than three hundred fifty dollars (\$350) and shall not be in excess  
24 of the costs to the board of administering that fee.

25 (c) The board shall establish by regulation a fee for filing an  
26 application for approval of a school or institution offering a  
27 curriculum for training licensed pet groomers pursuant to Section  
28 4918.7 of not more than three hundred fifty dollars (\$350). The  
29 school or institution shall also pay for the actual costs of an onsite  
30 inspection conducted by the board pursuant to Section 2065.6 of  
31 Title 16 of the California Code of Regulations, including, but not  
32 limited to, the travel, food, and lodging expenses incurred by an  
33 inspection team sent by the board.

34 (d) All moneys collected under this article shall be deposited  
35 in a separate account in the Veterinary Medical Board Contingent  
36 Fund and shall be used for the purposes of this article, subject to  
37 appropriation by the Legislature.

38 4923.3. (a) The board or their authorized agents shall make  
39 annual inspections of pet grooming facilities to ensure licensees'  
40 compliance with this article.

1 (b) Authority to conduct the inspections authorized by this  
2 section may be delegated by the board to a county animal control  
3 board, subject to the county animal control board's acceptance of  
4 the delegation.

5 (c) Prior to performing an inspection authorized by this section,  
6 an inspector shall receive training as to the provisions of this article  
7 and in the humane treatment of animals.

8 4923.5. Notwithstanding Section 4918.3, any individual  
9 engaged in pet grooming on or before December 31, 2011, may  
10 lawfully continue pet grooming without a license for one year from  
11 that date, provided that within the year the individual applies for  
12 a license as provided in this article.

13 4923.7. This act shall become operative on April 1, 2012. The  
14 board shall, prior to that date, adopt emergency regulations  
15 concerning pet grooming. The adoption, amendment, repeal, or  
16 readoption of a regulation authorized by this section is deemed to  
17 address an emergency, for purposes of Sections 11346.1 and  
18 11349.6 of the Government Code, and the commission is hereby  
19 exempted for this purpose from the requirements of subdivision  
20 (b) of Section 11346.1 of the Government Code, but shall otherwise  
21 be subject to the review and approval of the Office of  
22 Administrative Law. Notwithstanding any other provision of law,  
23 all emergency regulations adopted by the commission pursuant to  
24 this section shall remain in effect until December 31, 2012, except  
25 to the extent that the commission exercises its power to adopt,  
26 amend, or repeal these regulations in whole or in part.

27 4924. The board may impose an administrative penalty for a  
28 violation of this article in an amount of not more than one thousand  
29 dollars (\$1,000) per violation. The board shall collect those  
30 penalties for deposit into the account specified in Section 4923.

31 4924.3. Any person, who violates, or aids or abets in violating,  
32 any of the provisions of this chapter is guilty of a misdemeanor  
33 and upon conviction thereof shall be punished by a fine of not less  
34 than five hundred dollars (\$500), nor more than two thousand  
35 dollars (\$2,000), or by imprisonment in a county jail for not less  
36 than 30 days nor more than one year, or by both the fine and  
37 imprisonment.

38 SEC. 2. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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